



**AGENDA**  
**RIO DELL CITY COUNCIL**  
**REGULAR MEETING – 6:30 P.M.**  
**TUESDAY, OCTOBER 7, 2014**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

**F. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- |   |    |
|---|----|
| 1) 2014/1007.01 - Approve Minutes of the August 5, 2014 Regular Meeting<br>(ACTION)     | 1  |
| 2) 2014/1007.02 - Approve Minutes of the August 19, 2014 Regular Meeting<br>(ACTION)    | 13 |
| 3) 2014/1007.03 - Approve Minutes of the September 2, 2014 Regular Meeting<br>(ACTION)  | 20 |
| 4) 2014/1007.04 - Approve Minutes of the September 16, 2014 Regular Meeting<br>(ACTION) | 28 |

G. SPECIAL PRESENTATIONS/PUBLIC HEARINGS

- |   |  |
|---|--|
| 1) 2014/1007.05 - Presentation by Cody Long, American Society of Civil Engineers<br>Findings from Report on Humboldt County Roads and Bridges |  |
| 2) 2014/1007.06 - Presentation by State Board of Equalization - Sales Tax   |  |
| 3) 2014/1007.07 - Presentation by County of Humboldt - County Sales Tax Measure Z   |  |
| 4) 2014/1007.08 - Presentation by City Manager - Rio Dell Sales Tax Measure U   |  |

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

- |   |    |
|---|----|
| 1) "SPECIAL CALL ITEMS" from Consent Calendar   |    |
| 2) 2014/1007.09 - Authorize Staff to Proceed with Abatement of Nuisance<br>851 Rio Dell Ave. (ACTION) | 38 |

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- |   |    |
|---|----|
| 1) 2014/1007.10 - Introduction and First Reading (by title only) of Ordinance No.<br>328-2014 Amending Purchasing Procedures Section 3.30.100 of the<br>Rio Dell Municipal Code (RDMC) (ACTION) | 54 |
|---|----|

J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS  
FOLLOWS: **No Closed Session Items Scheduled**

M. ADJOURNMENT

*The next regular meeting will be on October 21, 2014  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
AUGUST 5, 2014  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson, and Woodall

Others Present: City Manager Knopp, Finance Director Woodcox, Chief of Police Hill, Water/Roadways Superintendent Jensen, Wastewater Superintendent Chicora, Community Development Director Caldwell and City Clerk Dunham

Motion was made by Johnson/Woodall to add an unlisted item to the agenda titled *Resolution No. 1238-2014 Declaring a Water Shortage Emergency and Implementing Chapter 12.05.440 of the Rio Dell Municipal Code, and Stage 2 (Serious Water Shortage-Mandatory Reduction) of City of Rio Dell Water Shortage Contingency Plan (September, 2000 Edition)* pursuant to Government Code Section 54956.5 and 54954.2(b) because the need to take action arose subsequent to the agenda having been posted. Motion called 5-0.

#### **PUBLIC PRESENTATIONS**

None

#### **CONSENT CALENDAR**

Councilmember Wilson asked that Item 1 "*Building Inspection Program Report*" be removed from the consent calendar and placed under *Special Call Items* for separate discussion.

Motion was made by Marks/Woodall to approve the consent calendar authorizing the Finance Director to sign and submit the annual TDA Claim; and authorizing the City Manager to execute the continued contract with Adult Day Health Services for FY 2014-2015. Motion carried 5-0.

#### **SPECIAL PRESENTATIONS**

##### Draft Report Produced for Humboldt Bay Municipal Water District Related to a Reconnaissance-Level Pipeline Route Study

Mayor Thompson stated the presentation is being brought forth at the suggestion of Councilmember Wilson.

Councilmember Wilson said he wanted to have an overview of where the Humboldt Bay Municipal Water District is with regard to potential pipeline routes to transfer excess water to potential customers to the south or east of their facility near Arcata.

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City Manager Knopp introduced Mr. Aldaron Laird, President of Humboldt Bay Municipal Water District (HBMWD) and Carol Rische, General Manager, who were present to provide a presentation on the Humboldt Bay Municipal Water District Water Resource Planning Pipeline Routes Reconnaissance-Level Pipeline Study which was recently completed.

Councilmember Wilson stated in reading the executive summary, his biggest concern has to do with the potential pipeline routes for transferring water since the only route beneficial to the City would be the southern alignment route. He noted that the Council has been asked pretty diligently by the community to find an alternate water source for the City.

Mr. Laird continued with the presentation and said in 2011 when the Samoa pulp mill closed down they found them in a position where they had more water to deliver than customers to buy it so they began looking at ways to deliver water to additional customers. He noted that their Water Rights Permit is due for renewal in 2029 which could potentially take 10-13 years to process. He said the District's right to divert the 60 million gallons per day of industrial surface water from the Mad River that was previously provided to the pulp mills may be jeopardized if other uses are not identified.

He stated that a Water Resource Planning Committee was established by the District to research potential uses for the surplus water and they identified three broad categories as options to pursue. The first involved local water use; the second was to transfer and sell water to other districts that need additional supply; and the third option was to dedicate instream flows for the benefit of instream fisheries. He said the problem with the third option is that no revenue is generated to help with maintaining their system.

He said the option they have been actively pursuing is finding a way to deliver water to other communities on the north coast. As such, 7 potential pipeline routes were presented including costs which included general alignments south to Mendocino/Sonoma County; east to the South Fork of the Trinity River; east into the Federal or State Water Projects; and north to the Klamath or Trinity River drainages. He stated that alignments were reviewed with the goal of delivering water to communities in Southern Humboldt, Mendocino and Sonoma counties; alignments to the east were reviewed with the goal of providing water to augment the flows in the Trinity River and potentially offset diversions to the Federal Water Project from Trinity Lake or to discharge into the Sacramento River or other portions of the State Water Project; and alignments to the north were reviewed with the goal of discharging into the Trinity/Klamath system to improve water quality and off-set upstream diversions.

Mr. Laird commented that when the southern pipeline alignment was analyzed, Rio Dell was the only jurisdiction that responded to the survey expressing interest. He also noted that in the feasibility study the cost for the east route was \$2,000 per acre foot to run the pipeline compared to \$3,000 per acre foot for the south route. He said the cost to run a pipeline across the Van Duzen from Bridgeville to Rio Dell would cost more than it would to run a pipeline from College of the Redwoods to Rio Dell.

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Councilmember Wilson recognized the study to be in the draft stage and asked if the final study was expected to be complete in 3 or 4 years.

Mr. Laird stated that a portion of the study was expected to be completed in 1-2 years but with project costs in excess of \$500,000 million they need a partner(s) to be able to go forward.

Councilmember Wilson commented that when the survey was done Rio Dell was the only community in the Eel River Valley that responded however; in light of the current drought situation there may be more interest now. He said the HBMWD has an abundance of excess water they need to get rid of and Rio Dell is catching water in buckets because of not having enough water so he would like to see what can be done to generate interest from other agencies.

Carol Rische, General Manager of HBMWD interjected that if the City Council can help convene other interested agencies in a regular forum they will show up. She said another thing to consider is that if a project advances and there is enough interest the possibility could be explored to see if there are other places where water could be delivered from a ridge top pipeline into a stream or tributary into the Eel River. She noted there would be environmental hurdles to cross but there are some different ways to look at it if interest can be generated.

Discussion continued regarding pipeline route options; project costs; funding options including bond measures; project timeline; future drought conditions; and current and future water capacity.

City Manager Knopp asked if the District sees any potential in the near future regarding a State water bond measure or other financing mechanism related to the Governor's plan for the Delta and maybe including some other projects such as this one on a statewide scheme.

Mr. Laird said the District has been involved in bond measure language and so far there is \$1 billion in bond measures related to this subject. He said the trend in bond language is to ask various regions to develop their own water storage and reservoirs. He said he would think there would be a funding partner at the receiving end to look into that possibility.

Mayor Thompson called for public comment on the issue.

Sharon Wolff stated in the latest State Budget, and as Supervisor Fennell pointed out, there is a lot of money available to communities for drought relief projects. She said Rio Dell is in a unique position because of only having one water source during this drought and suggested the City take advantage of that situation and put in a grant application. She added that the City itself needs to spearhead that as the most affected City in the Eel River Valley.

Nick Angeloff stated that it should be in the forefront of everyone's mind as this moves forward, the economical aspect of putting the pipeline in the railroad corridor solely based on the ability to

sell water but considering the transportation ease generated and the ability to revitalize the railroad at the same time. He noted that under the State's Water Action Plan there is a substantial amount of money for regional water reliability projects. He said it would be beneficial for the City to find a way to bond its grant money. He said as stated in the report, the North Coast Railroad Authority (NCRA) does not object to having a pipeline within the railroad corridor.

Mayor Thompson suggested other municipalities be re-visited to see if interest has changed in light of the current drought situation and said the City would probably not be interested in a east route pipeline but would like to keep dialog going between the HBCSD and the City.

**SPECIAL CALL ITEMS**

**(From Consent Calendar)**

**Building Inspection Program Report**

Councilmember Wilson referred to the staff report as submitted and asked for clarification on the cost for the City of Fortuna to provide Building services to the City.

City Clerk Dunham explained the report simply reflects the total revenue collected for building, plan check and administration fees since contracting with the City of Fortuna; and the amount paid to Fortuna for those services versus what would have been paid under the former contract with Kemp Inspection Services. She noted that there are other overhead costs associated with facilitating the building department program but those charges are fixed charges. This is to show the overall difference between building department revenue and the expense of providing those services.

Councilmember Wilson said building permit fees were increased by 66% to help fund building program activities and the building department budget was increased by \$39,000 to have those services provided in-house. He said the fees were established so the building fund would break even and questioned whether providing services in-house will mean that fees will have to be increased even more. He questioned whether it is more cost effective to go with an outside contractor (with necessary licenses) or provide the services in-house.

Finance Director Woodcox explained the general fund is subsidizing the building program by \$28,000 and fees would need to be increased to break even.

Councilmember Wilson again questioned whether it would be more cost effective to contract with an outside source rather than providing those services in-house and if the Council should take another look at the building department budget and staff allocations.

Finance Director Woodcox said perhaps what the Council is asking is for a comparison of the expenses and revenues and to see where the program is heading.

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Councilmember Marks suggested the possibility of contracting with the City of Fortuna on a more permanent basis be explored.

City Clerk Dunham commented that the arrangement with the City of Fortuna is a temporary solution and does not believe they are interested in providing the services on a permanent basis.

City Manager Knopp stated that staff can take another look at the costs and analyze a forecast and bring it back to the Council.

Motion was made by Wilson/Marks to receive and file the Building Inspection Program Report, direct staff to continue to monitor program costs and to bring back a report to the Council for further consideration. Motion carried 5-0.

**SPECIAL CALL ITEMS**

Report Regarding Black-Water Discharge on First Ave.

City Manager Knopp provided a staff report and said at the last meeting an urgency item was added to the agenda related to a citizen complaint about a black-water discharge involving raw sewage being discharged from a motorhome on the 200 block of First Avenue.

The Council directed staff to follow up with a report to the Council on the circumstances and actions taken related to this incident.

City Manager Knopp provided a timeline on the events leading up to the raw sewer discharge, staff response, clean-up efforts and enforcement and noted that the matter was also referred to Humboldt County Division of Environmental Health and the North Coast Regional Water Quality Control Board.

Mayor Thompson called for public comment.

**Roberta Wohlend** commented that she did further research and learned that the landlord allowed the people to park the motorhome in the driveway while he remodeled the apartment and got it ready for them to move into which is illegal. She said she is appalled by the actions of this landlord and said the closest place to dump the waste is Fortuna.

**Mike Chase** commented that people don't go to Fortuna; they simply dump their waste on the river bar.

Councilmember Marks asked if the landlord is responsible for paying for staff's time for the cleanup.



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City Manager Knopp stated that the landlord will be billed for 2 hours of public works staff time however; not the time of the police officers as they are considered public safety officers and it is part of their normal duties to respond to incidents such as this.

Councilmember Marks asked if staff has any knowledge of other RV's that could be illegally discharging black-water.

Chief of Police Hill stated that he is not aware of any others and took full responsibility for the lack of enforcement on the illegal use of the motorhome.

Councilmember Johnson suggested a final report be provided to the Council after Humboldt County Environmental Health and the District Attorney complete their investigations.

Councilmember Wilson asked if in the event further clean-up is necessary if the landlord will be responsible for the cost.

City Manager Knopp indicated the landlord will be held financially responsible.

Councilmember Marks asked if the ordinance has the tools necessary to adequately enforce the illegal use of recreational vehicles.

Chief Hill stated the ordinance is enforceable and that a recreational vehicle can be temporarily occupied for a period of up to 14 days and that he was aware of the RV on site and allowed it to continue beyond the 14 days due to the circumstances.

Resolution No. 1238-2014 Declaring a Water Shortage Emergency and Implementing Chapter 13.05.44 of the Rio Dell Municipal Code, and Stage 2 (Serious Water Shortage-Mandated Reduction) of City of Rio Dell Water Shortage Contingency Plan (September 2000 Edition)  
City Manager Knopp provided a staff report and said as the Council and the public is aware, on July 2, 2014 the City received a notice from the State Water Resources Control Board, (SWRCB) withdrawing the City's right to divert water from the Eel River until further notice. He said the City responded quickly with submittal of a Human Health and Safety Claims Form implementing a Serious Water Shortage Emergency Stage 3 Plan prohibiting all outside water use and curtaining personal indoor water use with a target of not more than 50 gallons of water per person/per day.

He said the reason for the emergency agenda item is because correspondence was received from the SWRCB yesterday immediately rescinding the notice of curtailment.

He pointed out that even if there is no current mandated curtailment in effect, the reality is that the City is in a drought situation with the main stem of the Eel River approaching a record low flow and elevation and the City infiltration gallery is located in the Eel River which is the City's sole source of water. As such, he said implementation of Stage 2 of the City's Water Shortage

Contingency Plan is necessary which will allow for some restricted outdoor water use whereby customers will be allowed to water landscaping two (2) days a week during specified hours.

Councilmember Woodall questioned the procedures for addressing water curtailment violations.

City Manager Knopp said that he feels that voluntary compliance is the best way to approach the water emergency at this time because of the staff time involved in enforcement of fines and potential legal issues.

Councilmember Johnson asked how the City is going to comply with the Stage 2 conservation measures with regard to landscape watering.

City Manager Knopp said staff will be directed to water in accordance with the 2 days/week odd even watering schedule with no reckless use as proposed for all other customers. He indicated that staff will continue to monitor excess usage and address the most serious abusers.

Motion was made by Marks/Johnson to approve Resolution No. 1238-2014 *Declaring a Water Shortage Emergency and Implementing Chapter 12.05.440 of the Rio Dell Municipal Code, and Stage 2 (Serious Water Shortage-Mandatory Reduction) of City of Rio Dell Water Shortage Contingency Plan (September, 2000 Edition)*. Motion carried 5-0.

#### ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

##### Adopt Resolution No. 1236-2014 Approving Budget Amendment of \$21,000 for Regional Surface Transportation Program (RSTP) and Authorize the Finance Director to Submit Claim

Finance Director Woodcox provided a staff report and stated that RSTP funds the City receives from the federal excise gas tax are budgeted each year to support transportation projects, primarily used to offset costs for streets maintenance. She said it was discovered that these funds were inadvertently left out of the 2014-2015 Operating Budget. As such, a budget amendment is necessary to increase revenues in the amount of \$21,000 for the Regional Surface Transportation Program (RSTP) and recommended approval of the resolution.

Motion was made by Woodall/Wilson to approve Resolution No. 1236-2014 *Approving a Budget Amendment of \$21,000 for Regional Surface Transportation Program (RSTP) and authorizing the Finance Director to submit the RSTP claim*. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 324-2014 Amending Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code  
Community Development Director Caldwell provided a staff report and stated that the 2013 California Building Code was recently amended to exempt fences up to seven (7)

feet in height. He said the City's current fence regulations reflect exemption of fences up to six (6) feet in height. Also, the current regulations refer to the Uniform Building Code (UBC) which has now been replaced by the California Building Code (CBC). He said the purpose of the proposed ordinance is to accurately reflect the California Building Code (CBC) fence regulations.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Johnson/Woodall to introduce Ordinance No. 324-2014 *Amending the Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC)*, continue consideration, approval and adoption of the ordinance to the meeting of August 19, 2014. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 325-2014 Amending Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to Renumber the General Provisions and Exceptions to Accommodate Recent Amendments

Community Development Director Caldwell provided a staff report and explained the purpose of the proposed ordinance is to reformat and renumber Chapter 17.30 of the RDMC to accommodate for a number of new regulations under General Provisions and Exceptions over the past couple of years. He said staff has had to deviate from the sequential order to accommodate for the changes and staff is recommending the Chapter be reformatted in increments of ten.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Woodall/Wilson to introduce Ordinance No. 325-2014 *Amending Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to renumber the General Provisions and Exceptions to Accommodate Recent Amendments*, and to continue consideration, approval and adoption of the proposed ordinance to the meeting of August 19, 2014. Motion carried 5-0.

Adopt Resolution No. 1237-2014 Accepting the Easement Deed for a ten (10) Foot Waterline Easement from the Dollar General to the City of Rio Dell and Authorizing the City Manager to Execute the Certificate of Acceptance

Community Development Director Caldwell provided a staff report and stated as part of the review of Dollar General's construction project it was discovered that the City did

not have an easement for an existing waterline running parallel with Wildwood Avenue on the Dollar General property. As such, the Dollar General agreed to grant an easement to the City which they have done and recommended approval of the resolution of acceptance.

A public hearing was opened to receive public comment on the proposed resolution. There being no public comment the public hearing closed.

Motion was made by Wilson/Marks to adopt Resolution No. 1237-2014 *Accepting the Easement Deed from DG Strategic II (Dollar General) to the City of Rio Dell for a 10' Waterline Easement Across APN 052-222-009 and Authorizing the City Manager to Execute the Certificate of Acceptance.* Motion carried 5-0.

#### REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said his first 12 days on the job has been primarily consumed with water related issues including conversations about obtaining senior water for the City which largely has not come to fruition. He said he will be working with a water rights attorney and focusing on some long term issues including securing a second source of water, grant money that may be available and would like to also provide an overall briefing on the city's basic water rights. He stated as directed by the City Council, he is gathering data on the former wells and will be attending an Office of Emergency Services (OES) meeting in Eureka and will be discussing funding opportunities relative to the drought situation and contingency items for worse case scenarios regarding the drought.

He then reported that he will be working with the City Attorney on legal issues related to the Monument Springs; and that the County is moving forward with a ½ % sales tax measure and will be discussing how it will affect local cities at the monthly City Manager's meeting; and said he will be following up on code enforcement for recreational vehicles.

Lastly, he said he spoke to a member of the public regarding how the City disseminates information to the public and although the City Newsletter is a great resource, it is labor intensive and said in emergency situations he would like to use a broader approach including the use of the City's website.

Chief of Police Hill reported on recent activities in the police department and said there were multiple arrests made over the weekend; only one of which was related to Wildwood Days activities; Officer Gavryush gave notice and hopefully he will be hiring one of the City's current reserve officers to take his place. He said he and a member of public works did an extensive patrol of the river bar due to complaints of homeless encampments and didn't find any however; said there may be some encampments in the trees behind the homes on Riverside Dr. on private property. He said they did remove some garbage that may have been left from a former

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encampment and noted that they ran into 5 responsible recreational users with 3 of them picking up garbage; said he had a Riverside Dr. resident inquire about a Neighborhood Watch Program and said how it works is that 1 officer would be appointed to the group and would report to the police department; said he would be meeting with Department of Fish & Game again this month and will be developing a handout for officers regarding enforcement strategies. He said State Department of Fish & Game has made it very clear that for them to come down and patrol the river bar on a regular basis would be almost impossible. He said they did however agree to meet on at least a monthly basis or if there is a specific problem, they will respond. Lastly, he said he will be working on update of animal control fees and bringing the matter back to the Council in the near future.

Finance Director Woodcox reported on recent activities in the finance department and said she attended training in Chico last week on leadership and managing constructions projects which will be very useful; and said finance staff did a great job working with the public on the recent water emergency issues.

Community Development Director Caldwell reported on recent activities in the planning/building department and said he attended a workshop in Modesto on the building code and said he learned a lot about the permit application process and said there needs to be some clean-up of processes on the City's end. He said he learned that in order for him to test for building inspection/plan check certification he must have 1 year shadowing a certified building inspector which means that he will not be able to become certified until March, 2015. He said he was surprised to see how cost effective it has been thus far to contract with the City of Fortuna and if the City could convince them to continue that relationship, it would be more advantageous than doing inspections in-house. He noted that the next planning commission meeting is scheduled for August 28<sup>th</sup> and provided there is a quorum with two (2) recent resignations, he will attempt to bring forward the Draft Safety Element update. He also noted that there have been a lot of recent complaints regarding code violations which he is trying to respond to in a timely manner.

He announced that he would like to pass on to the City Manager that there will be a California Central Finance Committee meeting taking place in Redding on August 20<sup>th</sup> which is basically a funding fair to allow opportunities to meet with various state and federal agencies to see what programs are available. He said hopefully the City Manager can find some time to attend or delegate another staff person to attend to see what funding opportunities are out there for the City.

He announced the next Nuisance Abatement Committee meeting will be held on August 19<sup>th</sup> at 5:30 p.m.

City Manager Knopp stated that he wanted to pay compliments to City staff in general and since his arrival it's been really nice to see the dedication and competence of staff to get in and get

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things done. He said he was particularly impressed to see Kevin Caldwell's work and said he has been instrumental in putting together the newsletter which has been very helpful.

Community Development Director Caldwell then reported on the Sculpture Committee activities and said the Committee members met at Benji Banderas's art studio to look at the "Top of the World" sculpture he is proposing to be displayed in the downtown median and said the sculpture is beautiful however it is too large to fit on the pedestal. The committee is suggesting an additional pedestal be put in north of the Chamber of Commerce office. He said he will be putting together a quote for the cost and bring it back to the Council for consideration at a subsequent meeting.

Councilmember Wilson presented the idea of creating an "avenue of the sculptures" theme for the downtown median. He also recommended that Mr. Davis be allowed to display both of his sculptures.

City Manager Knopp commented that there is definitely some energy among the art community and the desire to display isn't always the case. He encouraged the City Council to help make Rio Dell a better place and said this project is a good idea and that this kind of energy is hard to harness.

#### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson commented that as always, the City Newsletter was very well done and expressed his appreciation for staff's efforts in putting it together; and asked the City Clerk if she had received any applications for the two (2) vacancies on the planning commission.

City Clerk Dunham responded that no applications had been received and as such, she extended the application period to August 21, 2014 at 5 p.m.

Mayor Thompson commented on a problem with recycling materials and garbage being dumped on the ground behind the recycling bins at City Hall and said people are not supposed to leave items when the dumpsters are full.

He also commented that the City Clerk received a phone call from the Fire Department inquiring about some recycling containers that were supposed to have been purchased on a grant through HWMA. Apparently Karen Sherman from HWMA was tasked with facilitating the grant program but since she has left the agency no one knew what the status was of the order. As such, HWMA brought down recycling containers for use by the Fire Department during Wildwood Days. He said public works staff was able to locate some of the old units and recommended they be donated to the Fire Department to avoid storing them from year to year. He said if the decision is made to donate the containers he would like to see some sort of documentation.

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Councilmember Marks asked if the containers are used for other City events and said perhaps the City should reconsider whether they should be donated to another agency.

Councilmember Wilson stated that he understands Wildwood Days is a fire department function but would like to see the City be more actively involved in Wildwood Days activities and recommended a City representative attend Wildwood Days meetings.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 9:02 p.m. to the August 19, 2014 regular meeting.

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Jack Thompson, Mayor

Attest:

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Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
AUGUST 19, 2014  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:35 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson, and Woodall

Others Present: City Manager Knopp, Finance Director Woodcox, Chief of Police Hill, Water/Roadways Superintendent Jensen, Wastewater Superintendent Chicora, Community Development Director Caldwell and City Clerk Dunham

**PUBLIC PRESENTATIONS**

Nick Angeloff announced there would a booth at the Humboldt County Fair on behalf of "Save the Scotia Gym" and said there are \$693,000 in School Architecture and Engineering funds to access and said the prospects of getting the Scotia Gym open are looking better all the time. He also stated that he hopes to have a presentation on the next agenda on the East-West Rail Feasibility Study.

**CONSENT CALENDAR**

Councilmember Marks asked that Item 1 "*Approval of Minutes of the June 17, 2014 Regular Meeting*" be removed from the consent calendar and placed under *Special Call Items* for separate discussion.

Motion was made by Marks/Johnson to approve the consent calendar including the approval of minutes of the June 24, 2014 special meeting; approval of minutes of the July 1, 2014 regular meeting; and authorizing the finance director to sign and resubmit the City's Annual TDA claim. Motion carried 5-0.

**SPECIAL PRESENTATIONS**

Presentation on the Labor Market by Dennis Mullins, Employment Development Department (EDD)

City Manager Knopp introduced Dennis Mullins, EDD's North Coast Labor Market Consultant who provided a power point presentation on Rio Dell and Eel River Valley Economic Statistics and Indicators including demographics, labor force comparisons, industries/occupations, income comparisons and a summary of local trends.

**SPECIAL CALL ITEMS  
(From Consent Calendar)**



## AUGUST 19, 2014 MINUTES

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#### Approve Minutes of the June 17, 2014 Regular Meeting

Councilmember Marks referred to page 20 of the minutes and asked for clarification on the consensus of the Council, specifically related to the adoption of Resolution No. 1222-2014 establishing wastewater fees and charges. She said in the resolution presented to the Council for approval on June 17, 2014 it named the City Engineer as the only person authorized to make adjustments to the customer winter water consumption due to irregularities that occurred during the three month average. A recommendation was made by staff that the resolution be revised to read "the City Manager or his designee is authorized to make adjustments....." in place of the City Engineer.

She asked for clarification on the consensus of the Council and asked the City Clerk to review the resolution to make sure it reflects the change as approved by the Council and bring the minutes back at the next meeting for approval. Council concurred.

#### **SPECIAL CALL ITEMS**

#### Approve Finance Department Staff Extension of Senior Fiscal Assistant from October 1, 2014 – January 31, 2015

City Manager Knopp stated the staff report speaks for itself and recommended the Council approve additional extension of time to keep the current Senior Fiscal Assistant employee from October 1, 2014 to January 31, 2015 due to general workflow of the Finance Department and the unforeseen workload that came about due to the drought.

Mayor Thompson called for public comment on the proposed staff extension; no public comment was received.

Motion was made by Wilson/Marks to approve additional extension of time to keep the current Senior Fiscal Assistant employee from October 1, 2014 to January 31, 2015. Motion carried 5-0.

#### Approve Transfer of FY 2013-2014 Water Debt Service Fund (61) to Water Capital Fund (62)

Finance Director Woodcox provided a staff report and said this is basically a clean-up matter and the transfer of capital budgeted amounts out of the Water Capital/Debt Service Fund (061) to the Water Capital Fund (062) will better reflect actual debt service and capital activities.

Mayor Thompson called for public comment on the proposed transfer; no public comment was received.

Motion was made by Johnson/Marks to approve the transfer of water capital financial activity from the Water/Debt Service Fund (061) to the Water Capital Fund (062). Motion carried 5-0.

#### Provide Staff Direction on Adoption of Resolution in Support of North Coast Integrated Regional Water Management Plan

City Manager Knopp provided a staff report and said adoption of a resolution in support of Phase III of the North Coast Integrated Regional Water Management Plan (NCIRWMP) is required to access future water related grant funding, including funds to complete the water intertie project with Scotia. He said the Plan must be adopted no later than September 9, 2014 and if the Council concurs, he will prepare a resolution and bring it back on September 2, 2014 for adoption.

Consensus of the Council was to bring it back to the Council at the September 2, 2014 meeting for consideration and possible adoption.

### **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

#### Adopt Ordinance No. 324-2014 Amending Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC)

Community Development Caldwell provided a staff report and said the ordinance was introduced at the August 5, 2014 Council meeting and as reported at that time, the purpose of the ordinance amendment is to accurately reflect the recent amendment to the 2013 California Building Code which exempts fences up to seven (7) feet in height. He said the City's current fence regulations exempt fences up to six (6) feet and it also refers to the Uniform Building Code (UBC) which has now been replaced by the California Building Code (CBC).

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Woodall/Marks to adopt Ordinance No. 324-2014 *Amending Fence Regulations, Section 17.30.090 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

#### Adopt Ordinance No. 325-2014 Amending Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to Renumber the General Provisions and Exceptions to Accommodate Recent Amendments

Community Development Director Caldwell provided a staff report and said the purpose of the ordinance amendment is to renumber the General Provisions and Exceptions to accommodate recent amendments to the Code.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Johnson/Wilson to adopt Ordinance No. 325-2014 *Amending Chapter 17.30 of the Rio Dell Municipal Code (RDMC) to Renumber the General Provisions and Exceptions to Accommodate Recent Amendments*.

Motion carried 5-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said he met with GHD to discuss the City's best options for a secondary water source and the consensus is that the wells at Metropolitan would provide the most immediate source as a short-term solution however; a long term solution is much more elusive because most other options are associated with the Eel River; said the State approved the placement of a water bond measure on the ballot including \$7.12 billion in general obligation bonds for water supply infrastructure projects and said as the dollars start rolling out of Sacramento he will report back to the Council; said the campaign to reduce consumption under the Stage 2 Water Emergency Contingency Plan is still underway and reported that staff sent out approximately 100 letters to the top water users; said PG&E gave a press release last week regarding the baseline at when they will release more water from the dam and said they did release some water which made a tremendous difference in the flows reported at 30 cu. ft./min. on Sunday then up as high as 38 cu. ft/min. before it leveled off; said public works will be cleaning out the infiltration gallery windows which will improve the efficiency of the system; provided an update on the solid waste contract negotiations; said he met with the Old Ranch Road residents and they clarified their position and said the process needs to be put in writing so everyone is on the same page; provided an update on the black-water discharge that occurred on First Ave.; announced there will be a river bar clean-up event taking place on September 6<sup>th</sup>; and said he would be working on moving forward with the City's web site redesign with the goal to make it manageable for staff to do their own department's updates.

Councilmember Johnson asked if SHN Engineering was advised and invited of the clean-up of the infiltration gallery windows.

City Manager Knopp stated they were informed of the plan and said he has no doubt they will have a representative present during the cleaning.

Councilmember Marks suggested the possibility of reimbursing the fire department the base water charge rather than the full 19 units consumed and asked if the leaks had been repaired.

Chief of Police Hill reported on recent activities in the police department and said Officer Gavryush will be leaving at the end of the month and he anticipated having Officer Brady on board on September 9<sup>th</sup> so the department will be a little short staffed early September because of field training for Officer Brady and also Officer Harralson will be away for 1 week attending Field Officer Training School; said he was looking forward to having Hilda Talavera assisting in the office part time; and said he was looking for volunteers to help with the river bar clean-up on September 6<sup>th</sup>.

Finance Director Woodcox reported on recent activities in the finance department and said the new wastewater rates will be implemented with the next utility billing; said she was busy

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working on the close-out of the year-end; and said staff had begun inputting documents into DocStar.

Councilmember Johnson questioned check No. 2943 in the amount of \$7,550.00 to CPS Human Resource Services for T.C.S. consulting fees.

Finance Director Woodcox said the expense was for a salary and benefit study related to the City Manager recruitment.

Councilmember Marks pointed out some mileage reimbursements on the check register and encouraged the use of the City admin car as an alternative.

Community Development Director Caldwell reported on recent activities in the planning and building department and said as of July 1, 2014 each local agency is required to have a California Access Specialist Program (CASP) specialist on staff or retain a firm who specializes in ADA compliance and retrofitting. As such he said he contacted a firm in the Bay area and basically put the City on record that we may need their services in the future. He said he also contracted with Engineered Fire Systems, Inc. out of Grass Valley for plan review of fire sprinkler plans.

Mayor Thompson asked if the contract came before the Council for approval.

Staff responded that it was not required because there is no budgetary impact because the services are passed onto the applicant.

Mayor Thompson said he would like more information on the terms of the contract.

Staff commented that a lot of agencies contract out for commercial and specialty plan check services such as fire sprinkler systems and agreed to provide a copy of the agreement to Council.

Community Development Director Caldwell also reported that the Nuisance Committee met and are recommending some amendments to the current Nuisance Ordinance to allow for administration citations and will be bring it back to the Council possibly at the next meeting ; reported on the Avenue of the Sculptures concept and said he met with representatives of the Chamber of Commerce and the Eagle Prairie Arts District (EPAD) and they are excited about the concept and are trying to gather details to bring back to the Council for approval and then they will pursue funding sources including the Humboldt Area Foundation.

Councilmember Johnson asked for an update on the Ogle/Bellevue Drainage Project.

Community Development Director Caldwell reported staff was still waiting to hear back from HUD to see whether the RFP will need to be re-issued and said the State felt that GHD was more

qualified than Whitchurch Engineering. He said the City responded back that since the City's Engineer, Merritt Perry is no longer with the firm staff felt that they may not be the best choice.

## **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Thompson provided an update on the Cummings Rd. landfill closure and said he and Councilmember Johnson went up to the Ash dump and said there are some major problems with moving forward because the calculations used for several years estimated there were 60,000 to 70,000 cubic yards of material and when they got down into the actual site they found they under-estimated by a tremendous amount so the Board is in the process determining how the extra removal is going to be funded. He said basically when they began drilling they discovered instead of having 20 feet of garbage, it was more like 50 or 60 feet. He said the HWMA Board has until October 1, 2014 to come up with a solution of how to deal with the situation. He noted that 60% of the landfill was capped and 40% was left open for the balance of the ash.

He also said he would like to address the issue of the littering of cigarette butts around town and suggested signage and possible fines. He commented that the day the Dollar General opened he noticed more cigarette butts on the streets.

Chief of Police Hill stated that he can put the word out to his officers to watch more closely to people littering but signage poses a budget problem.

Councilmember Marks commented that the bigger issue is improper use of the recycling bins at City Hall.

David Griffith brought in another large bag of butts that he picked up around town and said he would like to see fines imposed. He said CDF imposes fines of \$1,000 in the Ruth area for littering.

Chief Hill suggested it be mentioned in the next City newsletter about how many butts have been picked up stating that public awareness may help.

City Manager Knopp said with regard to the recycling bins, staff is going to be placing signs to say that the area is under video surveillance and if garbage is found with names on it, officers will be knocking on doors.

City Manager Knopp said the cigarette butt issue will be mentioned in the next newsletter and perhaps the next step may be to adopt an ordinance. He said he will be meeting with colleagues in the City of Fortuna to discuss utilizing some shared services such as their street sweeper which may help to mitigate some of the problem.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:57 p.m. to the September 2, 2014 regular meeting.

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Jack Thompson, Mayor

Attest:

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Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 2, 2014  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks and Wilson  
  
Absent: Councilmember Woodall (excused)  
  
Others Present: City Manager Knopp, Finance Director Woodcox, Chief of Police Hill and City Clerk Dunham  
  
Absent: Community Development Director Caldwell, Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**PUBLIC PRESENTATIONS**

Jim Rich, owner of the Rio Dell Pizza Factory addressed the Council regarding his water/sewer bill under the new wastewater rate schedule and said his bill for the month of August was \$359.40, representing an increase from the prior month of \$146.21. He asked for an explanation of the new rate structure.

Tracy O'Connell addressed the Council regarding an upcoming event, "River Rage" in recognition of the 50<sup>th</sup> anniversary of the 1964 flood. She said she was working with the Eagle Prairie Arts District on a logo for the event and was hoping to have a safety component as part of the event and suggested the City have a booth on emergency preparedness. Also, she said she would like to see the establishment of a permanent kiosk (funded by donations) with information also on the history of the community. She said she would be following up by email to council and staff.

Nick Angeloff provided information on the river bar clean-up event to take place on September 6<sup>th</sup> and said the staging area will be at the end of Edwards Dr. He announced the names of the local sponsors and encouraged the council, staff and public to participate.

**CONSENT CALENDAR**

Motion was made by Johnson/Marks to approve the consent calendar including the approval of minutes of the June 17, 2014 regular meeting; approval of minutes of the July 8, 2014 special meeting; approval of minutes of the July 15, 2014 regular meeting; approval of minutes of the July 22, 2014 special meeting; approval of Resolution No. 1240-2014 adopting the North Coast Integrated Regional Water Management Plan (NCIRWMP) Phase III; approval of the purchase of a memorial plaque for John Lane; and approval of the appointment of R.L. "Bud" Leonard

and Jared Wilson to the Rio Dell Planning Commission. Motion carried 4-0.

### **SPECIAL PRESENTATIONS**

#### Presentation on East-West Rail in Humboldt County from Nick Angeloff, David Hull and Pete Oringer.

City Manager Knopp stated that it is important to keep an eye on the future of the City to the extent possible and said economic development is key to that in terms of expanding the job base as well as the City's tax base and introduced Nick Angeloff and David Hull, present to make the presentation on the east-west rail efforts.

Nick Angeloff said David Hull is a member of the Upstate Rail Committee and is the consultant and organizer of the committee as well as being a big driver of the east-west upstate rail connect which he will describe during the presentation.

David Hull began by stating that Rio Dell is one of the charter supporters of the Alternative Rail Route Feasibility Study and so he is pleased to be able to provide an update to the City Council on the progress of the scope of work outlined in the feasibility study.

He provided a timeline of their efforts in analyzing an alternative rail route connecting Humboldt Bay's harbor to the national rail network; presented results of the pre-feasibility study; reviewed potential funding sources; potential routes; economic benefits to the community; other potential uses of the rail right-of-way; estimated permitting; environmental issues; public outreach efforts; and estimated development costs and project timelines for the proposed routes.

In closing he said his recommendations for the Rio Dell City Council is: 1) to continue to support the alternative rail route feasibility study; 2) through HCAOG be proactive in maintaining roadway access to deep water channels to the coastal industrial waterfront and; 3) be proactive in protecting the existing roadway corridor because at some point it will tie into the rail corridor.

Mayor Thompson called for public comment; no public comment was received.

Nick Angeloff commented that the feasibility study is too important to give up on even if the \$300,000 grant is not awarded. He said they will simply change tactics because eventually it will be funded.

### **SPECIAL CALL ITEMS/PUBLIC HEARINGS**

#### Conduct Unmet Transit Needs Public Hearing

City Manager Knopp provided a staff report and said each year the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency conducts a citizen participation process to assess unmet transit needs within Humboldt County



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and included in that process separate public hearings are conducted by the various entities to receive comments specific to their jurisdiction. He said any comments received are forwarded to HCAOG and included in the Unmet Transit Needs Report of Findings. He noted that provided there are no unmet transit needs identified, all of the funds will be allocated for street improvements.

Debra Dees from HCAOG was introduced who provided information on the unmet transit needs process. She said as administrator of the Transportation Development Act (TDA) funds for Humboldt County, HCAOG is charged with performing the annual unmet transit needs process. She said the purpose of the process is to insure all of the unmet transit needs that are reasonable to meet are met before funds are expended for streets and roads. She said if no findings are made, the jurisdiction may use the funds for non-transit needs such as street improvements.

She provided a flyer identifying all of the unmet transit needs public hearing dates and a synopsis which provides an overall summary of the entire unmet transit needs process and criteria used to measure the needs.

She further explained that the Social Services Transportation Advisory Council (SSTAC) reviews all of the comments and if an unmet transit need is identified the SSTAC will apply the criteria to see if the need is reasonable to meet and make their recommendations to HCAOG.

Councilmember Marks asked if HCAOG is responsible for the senior bus that picks up the elderly and takes them to doctor appointments.

Debra Dees responded that they are not responsible for the dial-a-ride program however they do administer the funding. She indicated that HCAOG provides a fixed route service in the greater Eureka area and that Rio Dell could consider a contract with HCAR with use of some of the TDA funds to have them provide a dial-a-ride service to Rio Dell residents. She suggested HCAR be contacted to see how many calls they get for this service from Rio Dell residents.

A public hearing was opened at 7:13 p.m. to receive public comment on unmet transit needs.

Nick Angeloff commented that he would like HCAOG to look into dial-a-ride services as well as looking into a passenger tourist train doubling as passenger service in the region.

There being no further public comment, the public hearing closed.

Motion was made by Marks/Wilson to direct staff to send a letter to Humboldt County Association of Governments (HCAOG) relaying the comments made during the public hearing regarding unmet transit needs. Motion carried 4-0.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Adopt Resolution No. 1239-2014 Amending the Police Department Operating Budget for FY 2014-2015

Chief of Police Hill provided a staff report and stated the City received \$20,000 as part of AB109 to be used to assist law enforcement with the increased burden placed on the community for the supervision and incarceration of certain convicted criminals in California counties and cities. He said in the current budget, \$9,601.00 was allocated to pay for part-time assistance at the front counter at the police department to allow officers more time out in the field and the remaining \$10,399.00 was put in Reserves.

He said rather than requesting the funds be transferred as needed throughout the year, he is recommending the remaining funds be moved to a contingency fund for the operation of the police department for the 2014-2015 fiscal year. He then provided a list of potential expenditures including the installation of 3 radar units; replacement of 2 computers; and a winch to be installed on the police truck to assist with river bar patrol.

Councilmember Marks commented that in reviewing the police department budget she noticed that extra funds were allocated for computer equipment and asked if a portion of those funds could be used to pay for the additional front counter staffing in the police department. She said she likes the idea of having the police department open to the public as much as possible and suggested salaries be added to the list of possible uses for the funds.

Mayor Thompson called for public comment on the proposed budget amendment. There being no public comment the public hearing closed.

Motion was made by Wilson/Johnson to adopt No. 1239-2014 *Amending the Police Department Operating Budget for the Fiscal Year 2014-2015* s recommended to transfer the remaining \$10,399 of the AB109 (Fund 46 Restricted Funds) Law Enforcement Funding from Reserves to a Contingency Fund to facilitate the potential purchase of equipment and operations including possible use of funds for salaries for front office staffing. Motion carried 4-0.

Introduction and First Reading (by title only) of Ordinance No. 327-2014 Amending Sections 16.15.130(2)(a) and ( e) of the Rio Dell Municipal Code (RDMC to be Consistent with the Subdivision Map Act

City Manager Knopp provided a staff report and said during the recent review of the Teasley subdivision extension application, staff discovered that two of the existing provisions in the RDMC regarding extensions are not consistent with the Subdivision Map Act, Section 66410 et seq. of the California Government Code.

He further reported that Section 16.15.130(2)(a) of the RDMC requires that the application be submitted not less than 45 days prior to the expiration date whereas the Subdivision Map Act identifies the provisions for discretionary approval of extensions of Tentative maps and simply requires that the application be submitted prior to the expiration date.

City Manager Knopp stated the second inconsistency has to do with appeals and said the RDMC requires that any appeals of the Planning Commission action be filed within ten (10) days of the Planning Commission action; the Subdivision Map Act allows the applicant fifteen (15) days to appeal the action.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Johnson/Marks to introduce Ordinance No. 327-2014 *Amending Section 16.15.130(2)(a) and Section 16.15.130(2)(e) of the Rio Dell Municipal Code (RDMC) to be Consistent with Section 66452.6(e) of the Subdivision Map Act, Section 66410 et seq of the California Government Code* and continue consideration, approval and adoption of the proposed Ordinance to the meeting of September 16, 2014. Motion carried 4-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said he was able to make contact with the National Marine Fisheries Service officials regarding flow issues on the Eel River and spoke with a fisheries scientist regarding the flows from Lake Pillsbury and said they have released some additional flows and it seems that it will continue until October 15<sup>th</sup> when PG&E opens up the flood gates a little bit more to allow additional water to the river and the main stem of the Eel River which is mostly tied to protecting the fish and not so much to the City's ability to pull water from the river although the additional water is welcomed. He said he checked out the gauge and it went from 27 or 28 CSF to 38 CSF so what they are doing has helped. He reported that he also observed some of the work done on the infiltration gallery; attended a City Manager's meeting and received a briefing on the Secure School's Grant request and said the City is close to achieving an additional grant to do some sidewalk and roadway improvements and overall was told by HCAOG that the City stands a good chance of receiving additional grants in the future as monies become available; received an update on the Arcata Airport (Redwood Regional Airport) regarding their cut in services; said he had multiple meetings on budget and billings for services; attended the second Drought Task Force meeting and got some good input on what other jurisdictions are doing stating there was a lot of concern expressed regarding marijuana grows and the impact on various water sheds; had multiple meetings with Ferndale City Manager and the County regarding solid waste issues; set up presentations for the October 7<sup>th</sup> Council meeting with State Board of Equalization and the County to discuss the upcoming Sales Tax Measures; said staff met the City's web site

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consultant to begin the update of the web site including staff training to be able to get things on the web site more efficiently; met with staff regarding marijuana ordinance enforcement and economic development strategies; said there continues to be problems associated with the recycling bins behind City Hall and if the misuse of the bins continue, may have to eliminate the program; provided a water status update; submitted a written update on solid waste negotiations; and informed the City Council of his plans to attend a labor training in Pleasanton on September 12<sup>th</sup>.

Councilmember Johnson stated that he spoke with the City Manager regarding the possibility of doing some contracting work this year to address some of the City's inflow and infiltration (I & I) problems. He said the Council has been getting updates on how much wastewater the City is treating and when we have tremendous I & I during the winter months the City has the capacity to treat as much as 3.5 million gallons/day so multiplying 10-17 times the amount of water that has to be pumped and treated is costly. He said he would like to have the item on the next agenda to discuss what can be done this year to solve some of the I & I problems and perhaps get an estimate from a contractor to address some of the worse areas. Council concurred.

Chief of Police Hill reported on recent activities in the police department and said for the month of August they had 162 calls for service; 28 crime /incident reports; and 15 arrests. He also reported that Officer Gavryush is officially gone and that hopefully at the next meeting, Officer Ray Brady will be sworn in and said his background was completed and September 16<sup>th</sup> is his first available date to begin work.

Councilmember Marks asked if all of the officers on the force are certified to use radar.

Chief Hill stated that due to staffing levels, 2 slots had to be pulled from the last radar training but noted that Officer Brady is certified and he was looking forward to getting back to the normal training schedule.

Finance Director Woodcox reported on recent activities in the finance department and said as requested by the Council she wanted to report that the expenditure charges to the fire department including the bathrooms and library for the months of July and August has cost the general fund \$530.00 and if you multiply that by 6 it falls within the range budgeted of \$3,888. She said also with regard to the new wastewater rates, the first billing went out and the revenues fall within the range of Bartle Wells predictions. She said there have been a few glitches in the billing system but staff is working to fix the problems and making adjustments to customer accounts accordingly.

Councilmember Wilson stated the Council discussed at the June 17<sup>th</sup> meeting the idea of bringing back to the Council in 3-6 months an update on how the wastewater rates were working out and suggested a study session be scheduled to look at the commercial accounts and how the

EDU's are calculated. He said it is not hard to figure out the residential accounts but felt that some of the commercial accounts may need to be recalculated.

Council questioned whether staff would be providing a quarterly or mid-year budget review with the Council.

Finance Director Woodcox stated that normally a mid-year budget review is provided toward the end of January.

Councilmember Wilson stated he would like to have a budget review sooner than mid-year; especially on the wastewater department.

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson reported on an upcoming bocce ball fund raiser to take place on October 4, 2014 at Rohner Park hosted by the Redwood Region League of California Cities. He said within the League is a group called City Pac which is a political action group that is raising funds to influence cities to vote on propositions the way they feel they should be voted on. He said the entry fee for participants is \$50.00 each or \$80.00 per couple and offered to forward information to other council members if they are interested in participating.

Councilmember Wilson reported on his attendance at the last Redwood Region Economic Development Commission (RREDC) and said there was a presentation regarding finding ways to connect people who may have a need for waste products that other people may have a need for including high tech resources. He noted that there is lot of attractable items around the County that don't impact the environment that can be sold locally or abroad rather than having them go to the landfill.

Councilmember Marks addressed the City's sewer lateral testing requirement and said there was a home on Cedar Sr. that recently had a sewer lateral collapse. The resident had Roto-Rooter come out and replace the line but they were not given the option of installing a sewer cleanout at the same time which could have saved addition expense in the future. She asked if something should be put in the ordinance regarding notification to the property owners or contractors.

City Clerk Dunham explained that a notice went out to the Humboldt County Board of Realtors and other members of the community and said the City received a lot of response so apparently the word got out. She said part of the problem is that the contractor or homeowner did not get a permit to do the work which is their responsibility. She said if they had done so, they would have been informed of the requirement for a cleanout.

Councilmember Marks also referred to a letter from Tom Bertain asking that the City consider purchasing the former Wildwood Feed property to develop a civic center for performing arts and

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other community functions. She commented that the Council might want to explore the possibility.

Councilmember Johnson suggested information on sewer lateral testing and installation of sewer cleanouts be put in the next newsletter.

Mayor Thompson reported on a meeting he attended at the Warfinger Building sponsored by GHD Engineering and said while the City of Rio Dell is experiencing drought conditions, they are planning for high tides which potentially floods the road between Eureka and Arcata. They are associating high tides with global warming and he questioned how much average temperatures have raised. He said if things progress the way they are projecting, in 30 years HWMA will be under water. He commented that they are in the early planning stages of the planning process and discussing plans for raising the road. He said to spend hundreds of millions of dollars with so much uncertainty doesn't seem prudent. He said he feels that the rise in Humboldt Bay will not have any effect on Rio Dell.

Councilmember Wilson commented there was a gentleman that did a presentation to the Arcata City Council and RCEA on global warming and his predictions were that there will be only one millimeter/yr. rise and focused on Humboldt Bay as being one of the best places to be. He said if the City Council is interested he could be invited to provide a presentation. He said he feels there are lot of scare tactics out there and that the rise in Humboldt Bay is so slight that there should not be a lot of concern.

## **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:10 p.m. to the September 16, 2014 regular meeting.

\_\_\_\_\_  
Jack Thompson, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 16, 2014  
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Knopp, Finance Director Woodcox, Chief of Police Hill, Community Development Director Caldwell and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

Closed Session: In attendance was City Manager Knopp, Water/Roadways Superintendent Jensen and City Attorney Gans

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:**

**CONFERENCE WITH LEGAL COUNSEL– PENDING LITIGATION**

Name of Case: City of Rio Dell v. SHN Consulting Engineers & Geologists, Inc. a California Corp. - Case No. DR130745 Pursuant to Government Code Section 54956.9(a)

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Consider initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: (One potential case, facts and circumstances known to adverse parties): Access dispute, quiet title and prescriptive easement related to waterline maintenance and vehicular access along Old Ranch Road to City of Rio Dell Monument Springs Parcel (APN: 205-041-014). Potential adverse property owners along Old Ranch Road, include, without limitation, Cidoni, Coleman, Lewis and Humboldt Redwood Company

**PUBLIC COMMENT REGARDING CLOSED SESSION**

Here were no members of the public present to comment on closed session.

**RECESS INTO CLOSED SESSION**

The Council recessed into closed session at 6:00 p.m.

**RECONVENE INTO OPEN SESSION**

The Council reconvened into open session at 6:30 p.m.

## **ORAL ANNOUNCEMENTS**

Mayor Thompson announced there was no reportable action taken in closed session.

## **CEREMONIAL MATTERS**

### Swearing in of Officer Raymond Brady

City Clerk Dunham administered the Oath of Allegiance to Officer Raymond Brady followed by his wife pinning on his badge.

Chief Hill welcomed Officer Brady and stated for those who may not remember, Officer Brady worked for the police department years ago and more recently has been serving as a reserve officer for the City. He said he brings a wealth of experience to the department and it's great to have him back on the force.

## **PUBLIC PRESENTATIONS**

Nick Angeloff announced that the \$300,000 Tiger Grant application submitted for the East-West Rail Feasibility Study was not funded and in fact; no entities north of the Bay area were funded this funding round; reported on Save the Scotia Gym efforts and said in 3-4 weeks they will have their 503(B) non-profit status so they can start applying for grants. He announced that the gym was scheduled to be open by next summer although opening of the pool was questionable. He also reported that the Eagle Prairie Arts District (EPAD) Dahlia Festival at the Ferndale Fair Grounds went well; reported that he just returned from a very quick trip to New York City and said there are people interested in investing in economic development in this area; particularly solar projects and thanked staff (City Manager and Community Development Director) for putting together the material for him to take at the last minute. He commented that Rio Dell projects are now distributed throughout the world.

## **CONSENT CALENDAR**

Motion was made by Woodall/Johnson to approve the consent calendar including the approval of minutes of the June 29, 2014 special meeting; and approval of Resolution No. 1241-2014 and 1242-2014 formalizing staff extension budget amendment. Motion carried 5-0.

## **SPECIAL PRESENTATIONS/STUDY SESSIONS**

### Sewer Rate Change Analysis

City Manager Knopp provided a staff report and said at the request of Councilmember Wilson at the last meeting as the result of public comment questions staff put together data on the sewer rate changes. Staff presented a 3 page spreadsheet with figures for the business community and



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also multi-family housing as well as overall percentages. He pointed out that the data reflected significant savings for a large portion of the customers with 78% of customers showing a savings including 66% of the business community; 94% of multi-family unit customers; and 77% of residential customers. He noted that there were also 40 new customers added to the billing system for vacant properties that weren't previously billed. He stated that according to the figures, the wastewater revenue is in line with the projected revenue in the current budget. He said there are some variations that staff will be looking at and obviously will continue to monitor the numbers month to month.

He said one other issue he wanted to make the Council aware of is that there were some errant numbers identified in the billing system and although it is not widespread some customers were billed slightly higher than they should have been and staff will be making the necessary adjustments to those accounts.

Finance Director Woodcox commented that staff identified one problem they were able to correct prior to sending out the bills but since then some random errors were found. She said since there seems to be no particular pattern with the incorrect calculations, staff will be working with AccuFund to address the problems.

Councilmember Wilson pointed out some irregularities with multi-family unit bills and stated that one of the multi-unit accounts represents a savings of \$1,300 which doesn't make sense.

Finance Director Woodcox stated that it was discovered that this particular account was locked into the 15 unit cap overall which is not the correct method for billing multi-unit accounts. She said the first thing staff wants to do is to make sure the first formula is working correctly and said the biggest problem is that the billing system is going back and picking up the 3 month data when it should not do for some of the accounts.

Councilmember Wilson expressed concern that the City should not be paying for mistakes made by AccuFund in setting up the formulas.

Finance Director Woodcox said she sent them an email addressing that issue.

Councilmember Wilson said his biggest concern on the commercial side has to do with the method in which the EDU's are created and pointed out 2 extreme circumstances where one business used 25 units of water yet was billed for sewer based on 75 units of water; another business (Laundromat) had their bill go from \$600.00/month to \$53.00/month. He said he doesn't know how a Laundromat can operate with 3 units of water unless they have a well. Also, he said the 101 Café and Rio Dell Pizza Factory are two small businesses that work on a small profit margin and they can't afford to have a large increase. He suggested the Council consider creating a moratorium for 6 months until the commercial rates are worked out. He pointed out the difference in revenue for these two particular accounts is trivial to the City but can be huge to the businesses. He said the formulas need to be looked at and there needs to be a process to help

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businesses. He said he would like to see the City be business-friendly and do things to encourage business to come here. He said some businesses are actually paying less which doesn't seem equitable either.

Finance Director Woodcox commented that the City Manager has been developing rationale for how the commercial accounts are billed.

City Manager Knopp agreed that the City should be trying to create an environment where the City has a reputation that allows businesses to create a fair amount of overhead without a big overhead and said some of the figures do stand out. He said the City needs to be mindful that there are not a lot of businesses and should move forward with caution so as not to create a reputation that businesses cannot afford to come here.

He said at the same time, the Council needs to remember that infrastructure improvements are under-funded and there's really no way to avoid rate increases in general. He said this is a decision for the full Council to decide and said the decision may be to re-adjust the rate schedule; develop a new formula for calculating charges; or establish a moratorium until such time the issue is resolved. He said he too has questions regarding the strength portion of the rate structure and asked for direction from the Council on how they would like staff to proceed.

Councilmember Marks suggested looking into programs to encourage conservation and pointed out that adjustments to the rate schedule may require going through the Prop 218 process again.

Councilmember Woodall commented that although there have been some incorrect calculations she is not in favor of changing rates for some customers without changing them for everyone.

Councilmembers pointed out that the businesses in Rio Dell are smaller compared to the same type of businesses in other cities and so the strengths may not be appropriate in all situations; expressed concerns about computer programming costs; the loss of revenue due to the current conservation measures in effect; and presented the idea of contacting Rural Community Assistance Corporation (RCAC), who assisted the City in the past free of charge with rate studies to look at the Bartle Wells Rate Study to see if the proposed rate structure is viable.

Councilmember Johnson said he would like to give staff the opportunity to work out the glitches in the billing program and come back to Council with another report.

Councilmember Marks agreed and warned the Council to not be too hasty in making any decisions until staff can get the bugs out.

Mayor Thompson called for public comment on the sewer rate analysis.

**Sharon Wolff** commented that she would be interested in getting more information on the scale of the computer errors and asked how long the incorrect calculations have been going on.

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Finance Director Woodcox explained the errors were just encountered with the August billing and were for the most part related to new accounts. She pointed out that majority of the bills were correct and staff would be looking at accounts individually to make sure all of the charges are calculating correctly.

Mayor Thompson asked if staff had a chance to go through the accounts with zero usage.

Finance Director Woodcox stated that staff did review those accounts and in addition to the 40 new accounts, 53 additional accounts were reactivated for a total increase of 93 accounts from the prior billing. She said with the help of the City Clerk, staff was able to research old records and input the information into the system so that every potential service is now being billed.

**Nick Angeloff** addressed the Council at the request of Jim Rich (Pizza Factory owner) and questioned why he is being charged the higher strength with the business and residence on the same meter. Nick said he understood the recommendation in the Bartle Wells Rate Study was that there would be a 40/60 split in this situation. He noted that the bill for the Chamber of Commerce also went up because they are now being billed for 1 business and 1 residence. He said it does not logically fit into the model rate structure and puts the increase on the backs of those living in the back of their businesses. He said a 60/40 split seems more equitable.

He also asked if the plan is to still contract with Bartle Wells Associates to do the water rate study in light of the problems associated with the sewer rate study.

Councilmember Johnson asked staff for a breakdown of how the Rio Dell Pizza Factory is being billed.

Finance Director Woodcox explained the 3 month average consumption is 14 units and should be billed for 5 units at the low (residential) strength and 9 units at the higher strength however; she discovered today that the August bill did not calculate correctly. She said the bill for August will be adjusted by approximately \$15.00 and said she will be addressing the issue with AccuFund but it may require a manual adjustment each month in order to bill the account correctly because of the two different strength categories.

City Manager Knopp stated with regard to the water rate study, he would like to approach RCAC for assistance or do some of the work in house rather than pay \$25,000.

City Manager Knopp then asked for clarification on direction of the Council and said his understanding is that staff is to come back to the Council with an update in October, after the September billing is processed. Council concurred.

**SPECIAL CALL ITEMS/PUBLIC HEARINGS**

Submittal of 2013-2014 CDBG Annual Grantee Performance Report (GPR) to Department of Housing and Community Development

Community Development Director Caldwell provided a staff report and said under the guidelines of the CDBG Housing Rehabilitation Program a Grantee Performance Report is required to be presented to the City Council to report housing rehabilitation loans that are awarded. He noted that during the past year the City granted one (1) owner-occupied rehabilitation loan in the amount of \$22,944.77 at 3% simple interest, due and payable at the time of sale or transfer of the property.

He said staff is recommending the City Council receive and file staff report regarding the submittal of the annual Grantee Performance Report; conduct a public hearing to receive public input; and direct staff to submit the annual Grantee Performance Report to the Department of Housing and Community Development.

A public hearing was opened to receive public input on the annual Grantee Performance Report. There being no public comment, the public hearing closed.

Motion was made by Johnson/Woodall to direct staff to submit the annual Grantee Performance Report to the Department of Housing and Community Development. Motion carried 5-0.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Second Reading (by title only) and Adoption of Ordinance No. 327-2014 Amending Sections 16.15.130(2)(a) and ( e) of the Rio Dell Municipal Code (RDMC to be Consistent with the Subdivision Map Act

Community Development Director Caldwell provided a staff report and said the ordinance was introduced at the September 2, 2014 Council meeting and explained that during the recent review of the Teasley subdivision extension application, staff discovered that two of the existing provisions in the RDMC regarding extensions are not consistent with the Subdivision Map Act, Section 66410 et seq. of the California Government Code. He further reported that Section 16.15.130(2)(a) of the RDMC requires that the application be submitted not less than 45 days prior to the expiration date whereas the Subdivision Map Act identifies the provisions for discretionary approval of extensions of Tentative maps and simply requires that the application be submitted prior to the expiration date.

He said the second inconsistency has to do with appeals and said the RDMC requires that any appeals of the Planning Commission action be filed within ten (10) days of the Planning Commission action; the Subdivision Map Act allows the applicant fifteen (15) days to appeal the action.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Wilson/Johnson to conduct second reading (by title only) and adopt Ordinance No. 327-2014 *Amending Section 16.15.130(2)(a) and Section 16.15.130(2)(e) of the Rio Dell Municipal Code (RDMC) to be Consistent with Section 66452.6(e) of the Subdivision Map Act, Section 66410 et seq of the California Government Code.* Motion carried 5-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said he and the Finance Director received a tour of the Water/Wastewater Treatment Plant and was highly impressed with the cleanliness of the facility and to see the modern up-to-date equipment; said he also toured the infiltration gallery and monitored water levels and observed a slight raise; met with a member of the Humboldt County Tax Payers League and discussed the City's proposed Sales Tax Measure and received very positive feedback; received a personal visit from Sheriff Tom Allman from Mendocino County; met with Eel River Disposal regarding future contract negotiations and franchise services; met with Ferndale City Manager, Jay Parrish regarding solid waste issues; worked with the Water Superintendent on the drought situation and said the City could be facing catastrophic conditions if the City does not get any rain before January as predicted; is developing a list on how to develop existing resources; attended the labor training as discussed at the last meeting; attended a mediation session with the engineers, staff and a city council member regarding the repairs to the infiltration gallery, discussed short and long term solutions and said he would be applying for an emergency permit to remove sediment; visited the former well site and the question is whether the water is safe; he said testing will be done once the pumps are operational; had a conference call with the California Department of Public Health Division of Drinking Water and discussed several water related issues; and said the State could issue the City a future water curtailment order if they receive a complaint that the City is taking water from another water rights holder although there is no movement toward that action at this time and commented that water conservation throughout the City is impressive.

Chief of Police Hill reported on recent activities in the police department and said he was excited to bring Officer Brady on board and that Officer Harralson completed a week long training and will be able to administer some of Officer Brady's State required field training; said he participated in the river bar clean-up event and said there was a lot more items that came off of the river bar than anticipated and said the young lady that put together the event did a great job; reported that more marijuana debris had to be removed from the river bar today near Edward Dr. including pots, fans, and dirt which is unfortunate after the extensive clean-up; and reported on a series of vandalisms that occurred over the weekend involving broken windows, slashed tires, and random thefts and said they have identified some persons of interest.

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Nick Angeloff interjected that 72 people participated in the river bar clean-up, 2,500 lbs. of trash was removed, and Madeline Cole was the young lady responsible for organizing the event.

Chief Hill commented that she certainly is deserving of a Community Service Award for her efforts and would like to facilitate it.

Finance Director Woodcox reported on recent activities in the finance department and said she was finalizing the close-out of year-end so she can get a trial balance to the auditors and staff has been working on getting credit card payments online.

Councilmember Wilson questioned the payment to Freshwater Environmental in the amount of \$4,000.

Finance Director Woodcox stated that they assisted with the water curtailment and excess water use rate schedule which relates to a portion of the invoice. She said they provided other services but was unclear exactly what that included. She said she would put a copy of the invoice in Council mail boxes for clarification.

Community Development Director Caldwell reported on recent activities in the planning department and said the next Planning commission meeting would be held on September 25, 2014 at such time two (2) new planning commissioners will be sworn in and the Commission will be continuing review of the Land Use Matrix. He also reported that he will have a staff report on the next Council agenda related to the abatement of 851 Rio Dell Ave. and hopefully an amendment to the Nuisance Ordinance pertaining to fines; said he attended a Building Code training in San Ramon which was productive; said he had a meeting with James Cortazar regarding development of the Dinsmore Plateau; and said he is in the process of re-writing the drainage grant proposal for the Ogle-Bellevue project because the State felt that GHD was more qualified than Whitchurch Engineering. He indicated they will be re-scoring the application based on the fact that Merritt Perry who was most familiar with the project is no longer with GHD.

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Marks reported that she found out that there is a dial-a-ride program available to Rio Dell residents 50 and over and suggested information is included in the next newsletter. She also commented on the letter from Tom Bertain requesting the City consider purchasing the former Wildwood Feed building for a civic center for performing arts and said would like to see the establishment of a multi-use building for community events and will be researching possibilities. She noted that she came up with other possible uses such as the senior lunch; the "Strong & Better" class that is currently held at the Rio Dell Baptist Church; Chamber mixers; and the St. Joseph Mobile Medical bus that currently sets up at the school.

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Councilmember Johnson reported on the next HCAOG agenda is the approval of the City's \$114,000 Transportation Development Act (TDA) Claim for 2014-2015.

Mayor Thompson reported that the issue with the Ash dump is coming to conclusion and said the problem had to do with 17,000 cu. yds. of metals, bottles etc. that was not included in the bid resulting in a project budget overrun from \$1.9 million to \$3 million.

He also reported that several months ago the Council discussed the plastic bag ban and because of health issue and the fact there are such few businesses in the City the Council decided to not endorse the ban. He said the State has now passed a statewide ban on single-use plastic bags at grocery and convenience stores and stressed the need for the use of clean bags because of the health risks associated with the use of many recycled bags.

Councilmember Woodall warned that most of the recycled bags you buy in stores come from China and contain lead.

Mayor Thompson commented that Jim Stretch served the City very faithfully for several years and said he would like to present him with a plaque or something to show the Council's appreciation.

Councilmember Woodall asked if there is software or something that can be purchased to save the City Clerk time in transcribing the City Council minutes.

City Manager Knopp said there is a method whereby the City Clerk only records actions of the Council and the full recordings of the meetings are accessed through an audio system.

Councilmember Wilson said action only minutes lacks detail that is sometimes very useful but things are moving ahead quickly as far a technology and if that is the decision of the Council, he would like to be able to go back and hear both sides of perhaps a particular debate and hear the infliction of both sides. He said the City Clerk mentioned purchasing the software "Dragon 13" which may help to save her time.

City Manager Knopp said microphones would have to be updated and only one person can speak at a time. He said there are little things that can be done to help free up some staff time.

Dave Griffith once again presented his bag of cigarette butts, this time to the Mayor and addressed the Council regarding a redwood flower bed he offered to donate to the City for placement at Triangle Park. He said the City would only need to supply the dirt.

City Manager Knopp said public works staff will coordinate the details with Mr. Griffith.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:27 p.m. to the October 7, 2014 regular meeting.

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Jack Thompson, Mayor

Attest:

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Karen Dunham, City Clerk



675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: October 7, 2014

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Kyle Knopp, City Manager   
Date: August 28, 2014  
Subject: Abatement 851 Rio Dell Avenue

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the possible abatement of 851 Rio Dell Avenue; and;
2. Open the public hearing, receive public input and deliberate; and
3. Direct staff to pursue and obtain an Abatement Warrant and authorize the nuisance to be abated.

**Background and Discussion**

In late November or early December the residence located at 851 Rio Dell Avenue suffered significant fire damage. In mid December 2013 the City received a call from a concerned neighbor regarding the state of the residence. At that time, staff contacted Jerry Crosby the owner of record and informed him of the complaint and the need for action. Mr. Crosby indicated that his daughter resided in the residence and that he would not be responsible for any repairs or possible demolition of the residence. It was his understanding that his daughter and boyfriend intended to repair the residence. Staff informed Mr. Crosby that according to the Municipal Code, the owner is ultimately responsible.

In early January 2014 the City requested that the City Building Inspector inspect the fire damaged residence and determine if the structure could be repaired. At that time the Building Inspector "Yellow Tagged" the residence, restricting occupancy and allowing limited entry.

After the inspection, the residents removed their belongings and vacated occupancy of the residence. At the time the residents informed the Building Inspector that they intended to repair and reoccupy the residence.

On January 23, 2014 staff sent a letter to Mr. Crosby indicating that the condition of the residence constitutes a "Nuisance" that must be abated. Staff prepared and recorded a Notice and Order to abate the damaged residence. A copy of the Notice and Order, including the Building Inspector's Report is included as Attachment 1. The Notice and Order was recorded on January 24, 2014. The Notice and Order required that permits be obtained and repairs or demolition commenced within 60 days (March 27<sup>th</sup>) and completed within a 120 days (May 27<sup>th</sup>) of receipt of the letter and Notice and Order.

Unfortunately Mr. Crosby passed away on January 27<sup>th</sup> of this year. However a copy of the Notice and Order was also hand delivered to Mr. Crosby's daughter's boyfriend on or around January 27<sup>th</sup>.

The City has had contact with the resident's on a number of occasions regarding the need to abate the nuisance. Each time the City was told they're working on it and they still intended on repairing the residence. On or around August 25<sup>th</sup>, the City received another complaint from a concerned neighbor. On Tuesday, August 26<sup>th</sup> the Community Development Director, Building Inspector and Officer Harralson conducted a site investigation. Based on the structural condition of residence the Building Inspector "Red Tagged" the building and informed the resident that the building needed to be demolished. The resident indicated that they do not have the financial resources to hire a contractor to demolish the building. It should be noted that the residence is filled with garbage and debris and the backyard also has a large pile of garbage. Staff informed the resident that the City will be pursuing abatement of the nuisance and that a lien will be placed on the property to recover costs associated with the abatement.

Pursuant to Section 8.10.190 of the Municipal Code failure to obey the Notice and Order to abate the nuisance, the City is authorized and directed to cause the nuisance to be abated by City personnel or private contract. The City does not have the resources to abate the nuisance.

Staff contacted Dennis Wendt of Wendt Construction and requested a quote for the demolition of the structure and clean-up of the property. Wendt's quote is for \$7,475.00 which included the removal and disposal of a 32 foot motorhome parked across the street for the residence. The motorhome has subsequently been removed. The cost for the removal of the motorhome was \$1,400.00. As such, the cost for the demolition and clean-up of the property is \$6,075.00. A copy of Wendt's proposal is included as Attachment 2.

If the Council orders the nuisance to be abated the City would be responsible for the costs. Pursuant to Section 8.10.230 of the Municipal Code the City will record a lien for total costs for abating a nuisance shall constitute a special assessment against the property.

The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5. A copy of the lien shall be filed with the County Assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

#### **Attachments**

Attachment 1: Copy of the Notice and Order including the Building Inspector's Report.

Attachment 2: Wendt Constructions proposal for the abatement and clean-up costs.

Recording Requested By & For Benefit Of:  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA. 95562

Return To:  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA. 95562

Exempt From Fees Per Government Code § 27383

2014-001568-6  
Recorded - Official Records  
Humboldt County, California  
Carolyn Crnich, Recorder  
Recorded by: RIO DELL CTY

Clerk: KL Total \$0.00  
Jan 24, 2014 at 16:20:22  
CONFORMED COPY

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**NOTICE AND ORDER TO ABATE PUBLIC NUISANCE  
DAMAGED BUILDING**

Date: January 23, 2014

Owner's Name: Jerry E. Crosby  
Property Address: 851 Rio Dell Avenue, Rio Dell, CA. 95562  
Assessor Parcel Number: 052-202-006

**1. Determination of Building Official:** Pursuant to Section 15.10.070 of the Rio Dell Municipal Code, the City Building Official has determined that the fire damaged structure on the above referenced property and further described in Exhibit A attached hereto is considered a dangerous building and a public nuisance in need of repair or rehabilitation or demolition.

**2. Permits and Commencement of Work:** Pursuant to Section 15.10.080(c) of the Rio Dell Municipal Code, you are hereby ordered to secure the required Building Permit(s) and physically commence work (i.e. repair or rehabilitation or demolition) within 60 days from the date of notification and complete such work within 120 days from such date

**3. Right to Appeal Notice and Order to Abate Violation and/or Nuisance:** You have the right to appeal the Notice and Order within thirty (30) calendar days from the date of this Notice and Order, and on a form available from the City of Rio Dell. You must provide a written statement requesting a hearing and providing a factual and specific explanation of:

Why the Premises should not be declared to be a public nuisance and abated; and

Why the costs of such abatement should not become a special assessment lien against the Premises;

**4. Payment of Appeal Fee:** Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee of **\$125.00**. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

Hardship Waiver. If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

**5. Failure to Abate the Violation and/or Nuisance or File an Appeal:** If the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the violation and/or nuisance and that, at the election of the City, the City will abate the violation and/or nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.

**6. Administrative Civil, Criminal and Monetary Penalties:** If the person, corporation or entity fails to abate the violation and/or nuisance within the specified time on this Notice and Order they shall be subject to any and all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed

one thousand dollars, or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

**7. Failure to Obey Order – Abatement by City:** If, after any Notice of Violation, Notice and Order to Abate or any order of a Hearing Committee made pursuant to Chapter 8.10 of the Rio Dell Municipal Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the City is authorized and directed to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the City shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the Premises for the purpose of abating the nuisance.

Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.10.070(a)(2) of the Rio Dell Municipal Code.

**8. Costs of Abatement:** The City shall keep an account of the costs and expenses of abating such nuisance, and the City shall render a statement of such costs to the person or persons receiving the Notice and Order to Abate.

Such person or persons receiving the Notice of Violation or decision of the hearing officer shall be liable to the City for any and all costs and expenses to the City involved in abating the nuisance. Such costs and expenses are due upon receipt of the statement referenced above.

Costs and expenses as referred to in this section shall include all costs allowed to be recovered by law, including attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

**9. Procedure for Assessing Costs:** If the person liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.


**10. Assessment of Costs—Special Assessment Lien Against Property.** The total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

**11. Contact Information:** If you have any questions regarding this Notice and Order, please contact Kevin Caldwell, Community Development Director at (707) 764-3532 or by email at [kcaldwell@riodellicity.com](mailto:kcaldwell@riodellicity.com), or Police Chief Graham Hill at (707) 764-5641 or by email at [hill@riodellicity.com](mailto:hill@riodellicity.com).



Kevin Caldwell, Community Development Director



Date

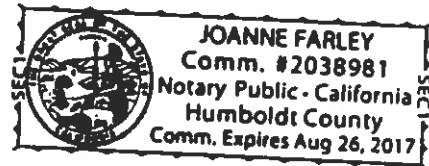
State of California

County of Humboldt

On January 23, 2014 before me, Joanne Farley, Notary Public, personally appeared Kevin Caldwell who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Joanne Farley (Seal)



## Exhibit A

ALL THAT REAL PROPERTY SITUATE WITHIN THE CITY OF RIO DELL, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A strip of land of the uniform width of 30 feet off the whole north side of Lot 9 of Block 2 of Rio Dell according to the original survey thereof by J.A. Shaw, as mapped and recorded in the Recorder's Office of Humboldt County, California in the "Map of Rio Dell".

Also a portion of Lot 10 of said Block 2 described as follows:

Beginning at the southwest corner of said Lot 10 and running thence north  $19\frac{1}{2}$  degrees west 19.93 feet;

Thence south 69 degrees, 26 minutes west 107.9 feet more or less to the west line of said Lot 10;

Thence south  $19\frac{1}{2}$  degrees east 19.93 feet to the southwest corner of said Lot 10; and

Thence north 69 degrees 26 minutes east along the south line of said Lot 10 a distance of 107.9 feet to the point of beginning.



January 7, 2014

Kevin Caldwell  
City Of Rio Dell

Re: 851 Rio Dell Ave.

Dear Kevin,

At your request I inspected the house fire at 851 Rio Dell Ave. I tagged the house with a yellow tag (Restricted use).

The roof system received significant fire damage and the entire roof system will have to be replaced. The house will need the wiring system including the main panel be completely repaired.

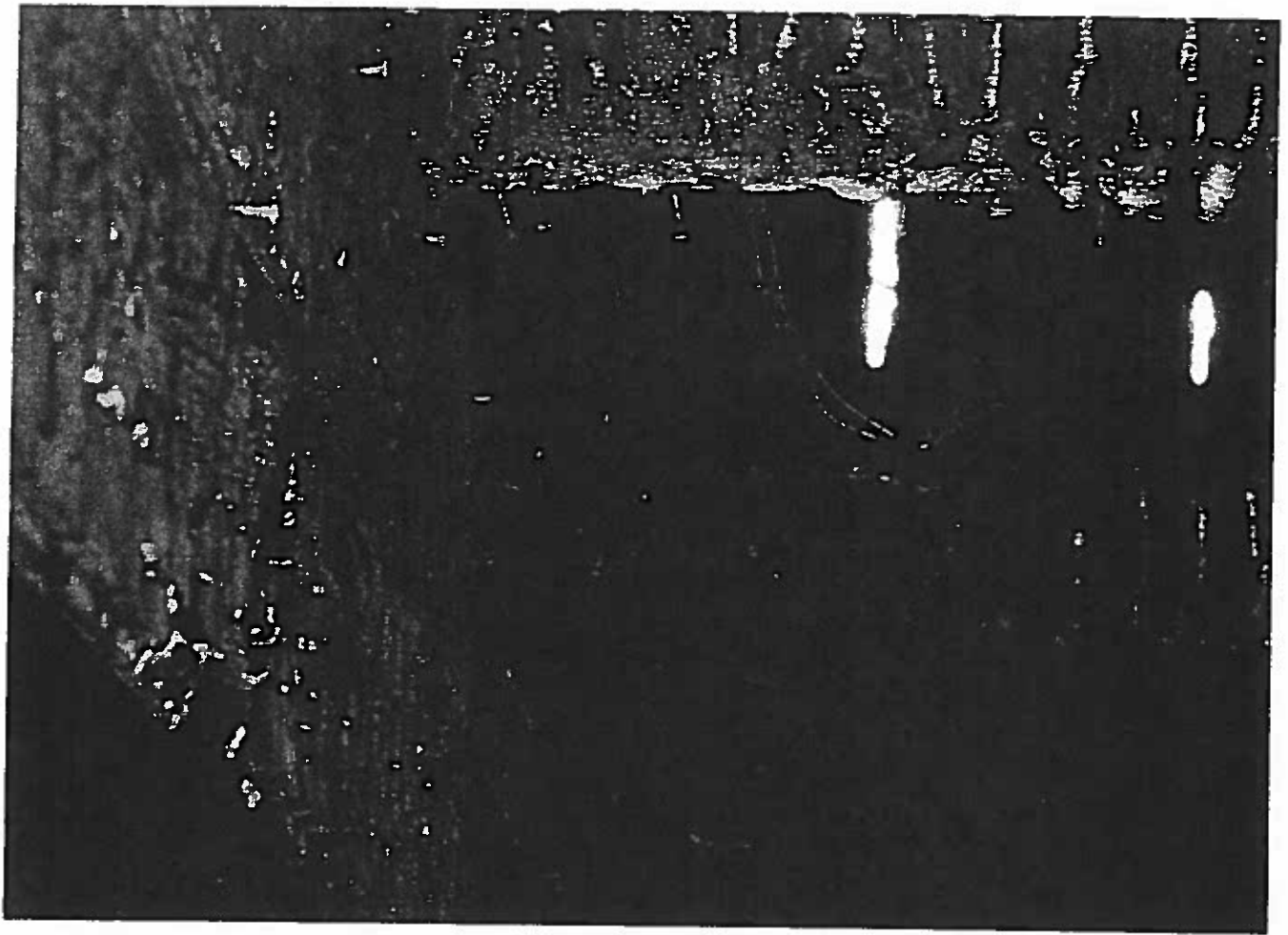
I told Mr. Wiegelman that I would install a trust system for the roof and consider installing sheetrock thou out the entire house. I also explained to Mr.. Wiegelman that he need to contact the city for the proper permits.

Please see attached photos

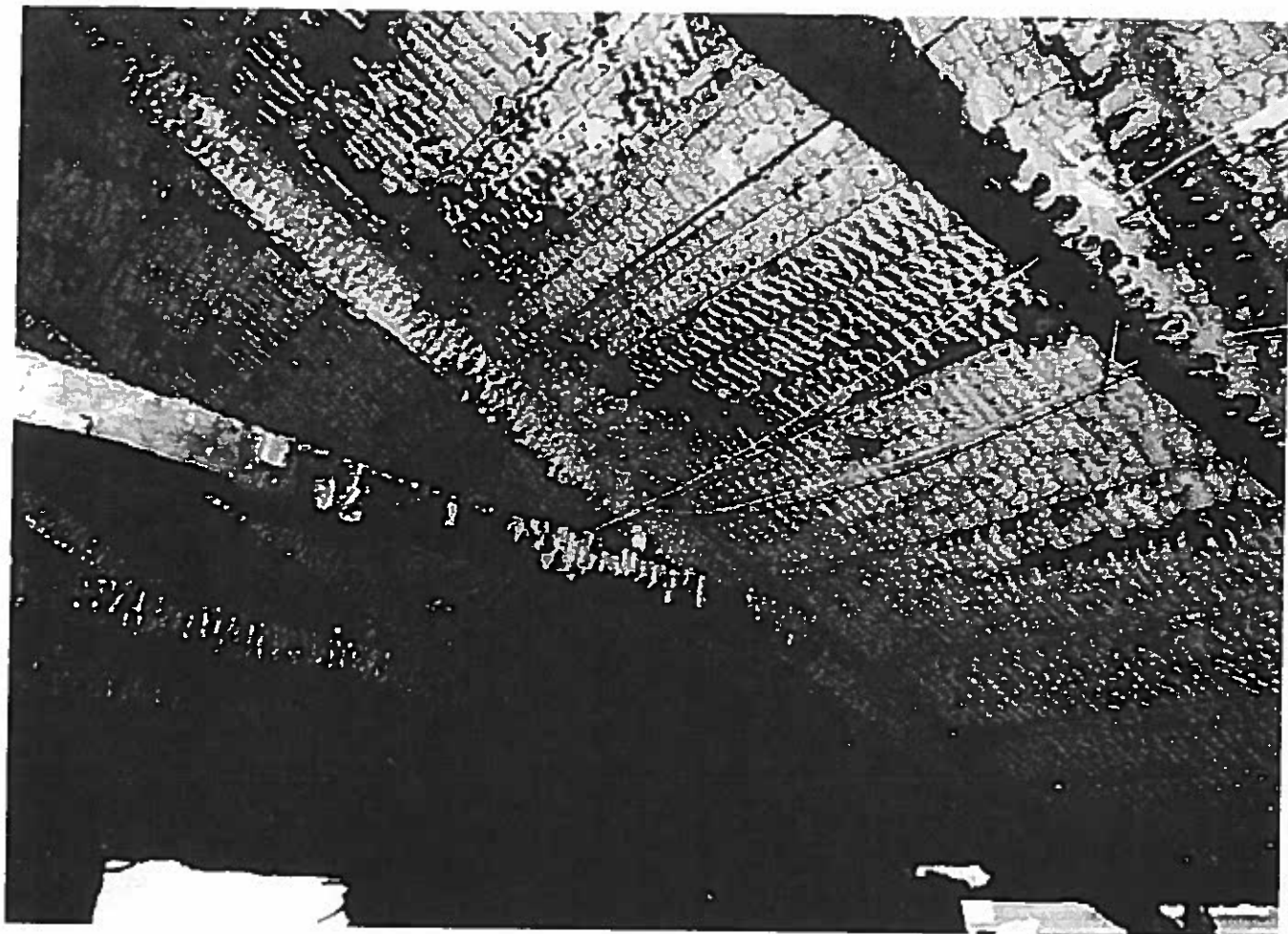
If you have any question please feel free to call me.

Sincerely,

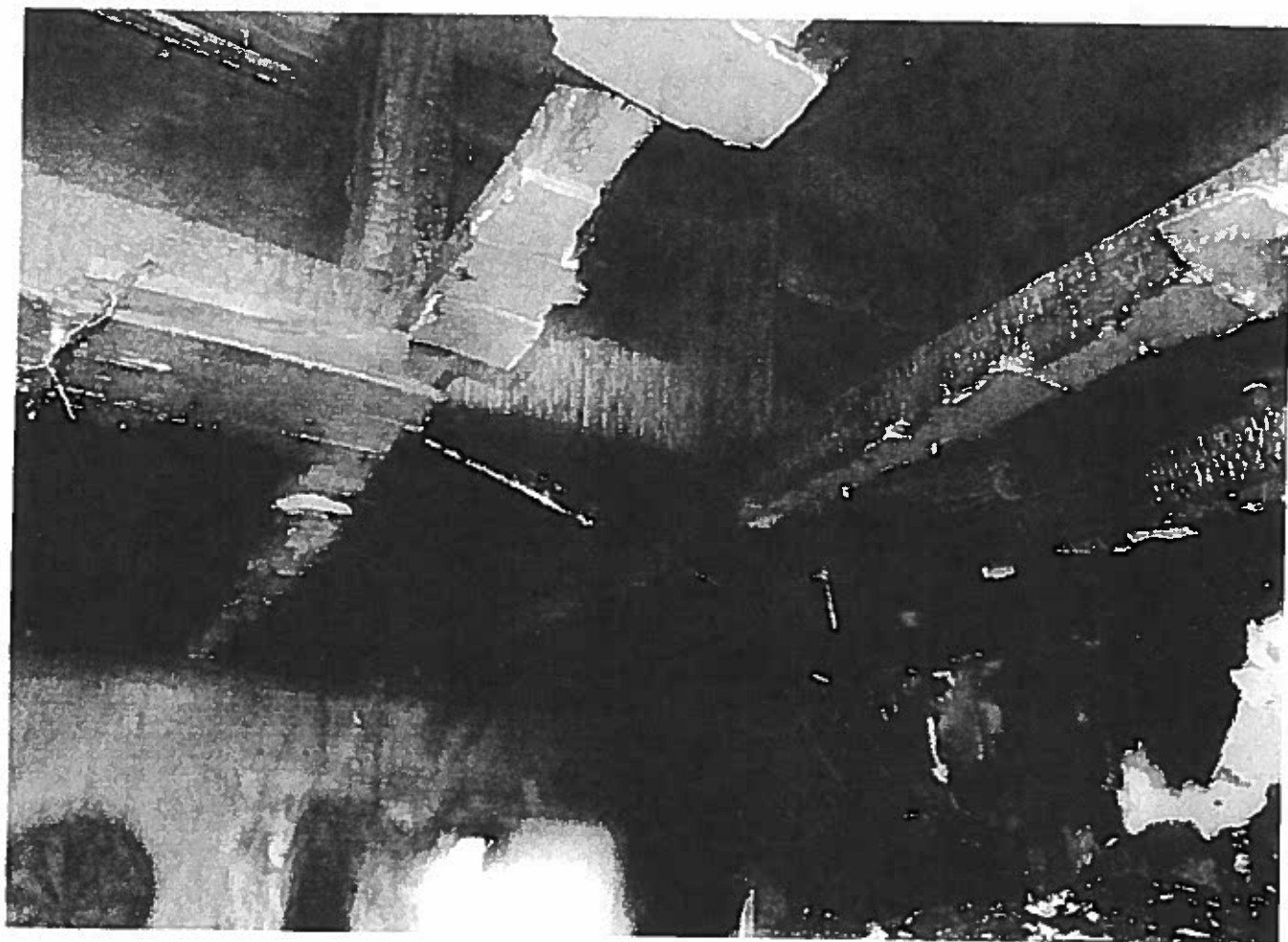
Arnold C Kemp  
Kemp Inspection Service



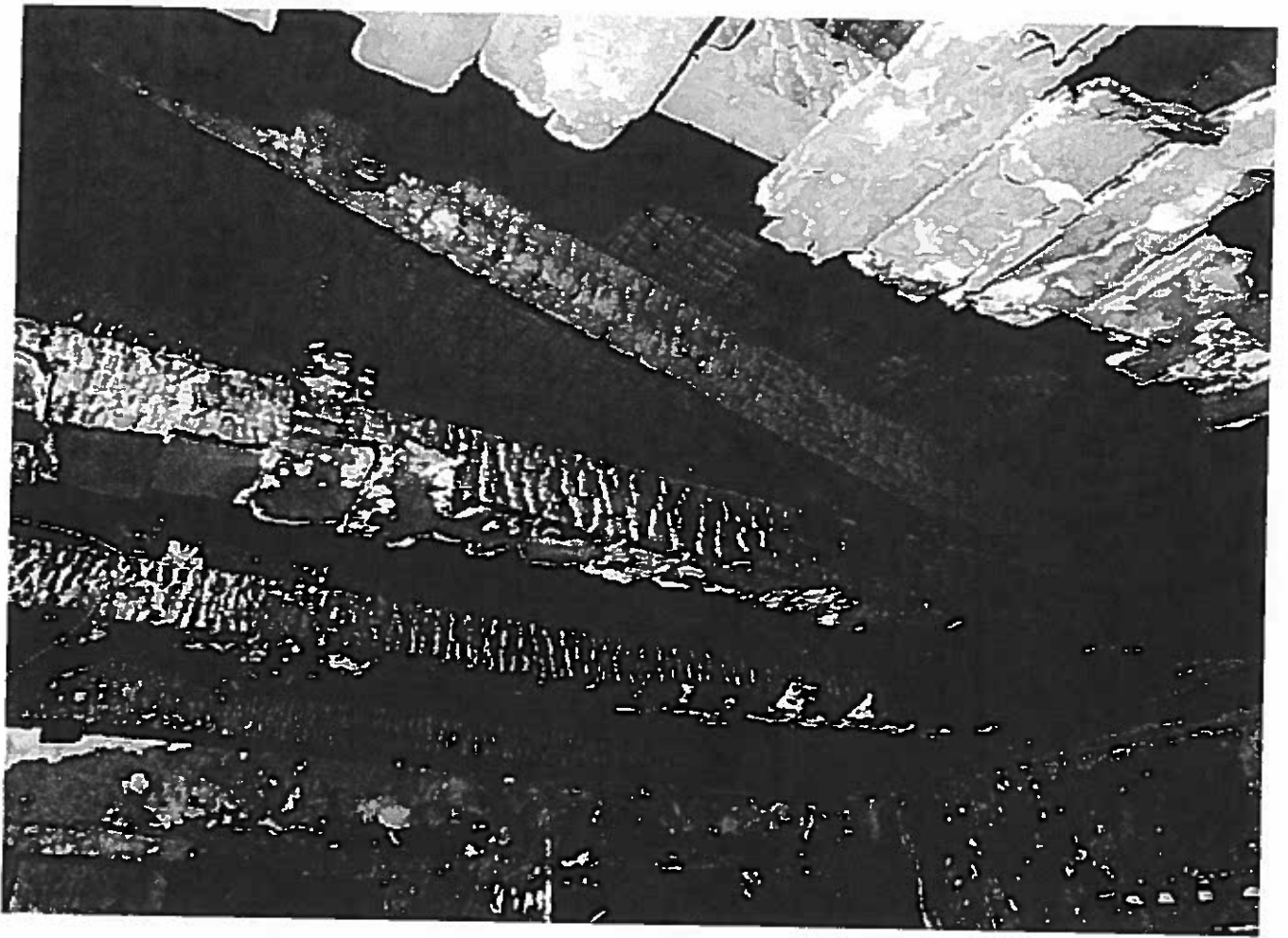
Front Room



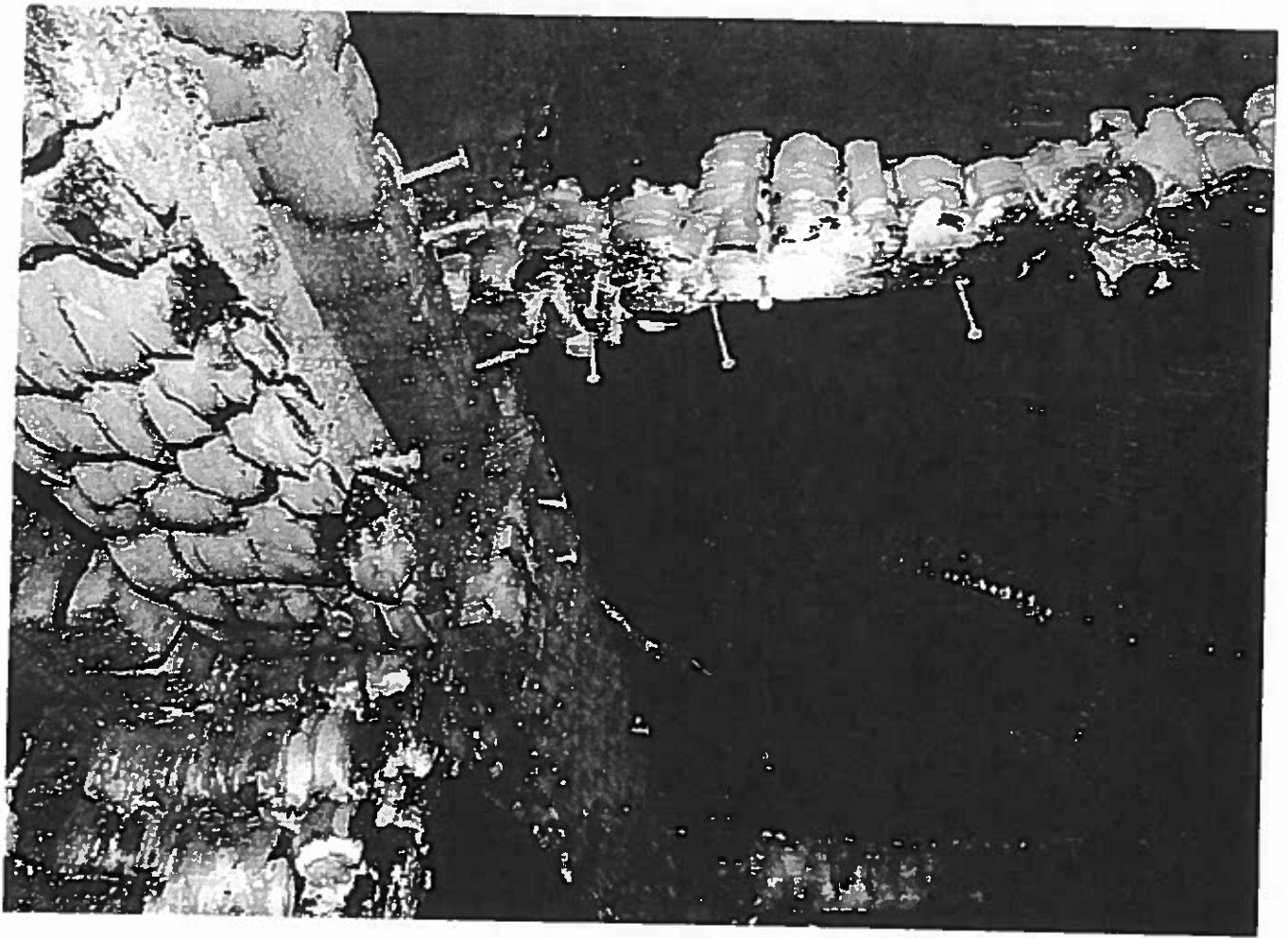
*Front Room*



BACK ROOM



Back Room



Front Room

**WENDT CONSTRUCTION CO., INC.**

1660 NEWBURG ROAD  
FORTUNA, CA 95540  
(707) 725-5641 LIC. #622738

**PROPOSAL**

DATE	PROPOSAL #
8/27/2014	1803

NAME / ADDRESS
City of Rio Dell 675 Wildwood Ave Rio Dell CA 95562

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
851 RIO DELL AVE: DEMOLITION AND DISPOSAL OF 750 SQ FT HOUSE AND CONTENTS (UP TO 20 TONS), 2.5 TONS OF DEBRIS IN YARD, 20 FT ECONOLINE MOTOR HOME, AND 32 FT MOTOR HOME ACROSS THE STREET			
MOBILIZATION		200.00	200.00
EXCAVATOR		780.00	780.00
TRUCKING		400.00	400.00
LABOR		520.00	520.00
DISPOSAL FEES (UP TO 22.5 TONS)		3,375.00	3,375.00
DEMOLITION & DISPOSAL OF 20 FT ECONOLINE MOTOR HOME		800.00	800.00
DEMOLITION & DISPOSAL OF 32 FT MOTOR HOME ACROSS THE STREET		1,400.00	1,400.00
		<b>TOTAL</b>	<b>\$7,475.00</b>

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

\_\_\_\_\_  
Signature



675 Wildwood Avenue  
Rio Dell, CA 95562



**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
Tuesday October 7, 2014**

TO: Mayor and Members of the City Council  
THROUGH: Kyle Knopp, City Manager *[Signature]*  
FROM: Brooke Woodcox, Finance Director *[Signature]*  
DATE: October 7, 2014  
SUBJECT: Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Municipal Code

**RECOMMENDATION**

Conduct the first reading (by title only) and adopt Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Municipal Code to include Codes of Conduct for grantee, sub-grantee officers, employees, agents, or by contractor or their agents.

**BUDGETARY IMPACT**

None.

**BACKGROUND AND DISCUSSION**

Council may recall that on January 7, 2014 at a regularly scheduled Council meeting Ordinance No. 314-2014 was adopted that established a lease vs. purchase policy and included disciplinary procedures for any willful violator of the City's purchasing policies. This was in response to satisfy the recommendations of the EPA's desk review audit of the City's Brownfield Grant.

The EPA has recently notified Staff that the lease vs. purchase policy meets their recommendations; however they found the disciplinary procedures lacked the recommended Codes of Conduct per 40 CFR 31.36 (b) Procurement Standards. Presented is Ordinance No. 328-2014 which amends Section 3.30.100 of the Rio Dell Municipal Code purchasing policies to meet the EPA's Codes of Conduct requirements.

## ORDINANCE 328-2014



### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING PURCHASING PROCEDURES SECTION 3.30.100 OF THE RIO DELL MUNICIPLE CODE

The City Council of the City of Rio Dell does ordain as follows:

~~**Section 11: Unlawful Purchases.** No purchases or contracts shall be made contrary to the provision of this ordinance. No contract shall be purposely split or subdivided to avoid the provisions of this ordinance. Any employee who willfully violates this policy will be subject to the discipline up to and including termination pursuant to the disciplinary policies set forth in the City of Rio Dell Employee handbook.~~

#### **Section 11: Codes of Conduct**

- A. **Unlawful Purchases.** No purchases or contracts shall be made contrary to the provision of this ordinance. No contract shall be purposely split or subdivided to avoid the provisions of this ordinance.
- B. **Conflict Of Interest.** No City of Rio Dell employee, consultant, elected official, appointed official or designated agent of the City of Rio Dell will take part or have an interest in the award of any purchasing transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the City of Rio Dell, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

NOTE: These rules apply to all named parties and shall be effective for the period of service and for one year after leaving said position (or office, in the case of elected officials).

- C. **Acceptance of Gratuities.** No City of Rio Dell employee or designated agent of the City of Rio Dell shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

- D. **Penalties.** Any employee or designated agent of the City of Rio Dell who knowingly and deliberately violates these provisions will be open to civil suit by the City of Rio Dell without the legal protection of the City of Rio Dell. Such a violation of these purchasing standards is grounds for dismissal by the City of Rio Dell (if an employee) or such sanctions as available under the law (if an elected official).

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the City of Rio Dell.

**Section 12: Severability.** If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 13 Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 14: Effective Date:** This ordinance shall take effect and be in full force thirty days following the date of its passage. It shall be posted in three public places in the City of Rio Dell, State of California, pursuant to Government Code Sections 36933.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of October, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Ordinance No. 314-2014 adopted by the City Council of the City of Rio Dell on October 7, 2014.

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Karen Dunham, City Clerk